

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In Re Application of Goupil et al.****Filing Date: March 13, 2001****Serial No.: 09/805,483****For: Hydrogel Biomedical Articles****TERMINAL DISCLAIMER**


The owner, BioCure, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patents granted on pending second Application Numbers 09/804,963 and 09/804,925, both filed on March 13, 2001, of any patents on the pending second applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patents granted on the second applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patents granted on the second applications, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Serial No. 09/805,483
Goupil et al.
Terminal Disclaimer

The terminal disclaimer fee under 37 CFR 1.20(d) is included.

Respectfully submitted,


Collen A. Beard
Registration No. 38,824

Date: August 15, 2003
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of Goupil et al.

Filing Date: March 13, 2001

Examiner: Di Nola-Baron, L.

Serial No.: 09/805,483

Art Unit: 1615

Title: Hydrogel Biomedical Articles

Commissioner for Patents
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TERMINAL DISCLAIMER TRANSMITTAL

Pursuant to request by the Examiner, enclosed is a terminal disclaimer for the above referenced patent application.

Respectfully submitted,



Collen A. Beard
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Date: August 15, 2003

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Certificate of Facsimile Transmission Under 37 C.F.R. §1.8(a)

I hereby certify that this paper, along with any paper referred to as being enclosed or attached, is being faxed to the United States Patent and Trademark Office fax number 703-746-3954 on the date shown below.



Collen A. Beard

August 15, 2003